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Draft report of the third meeting of the Open-ended Committee of Permanent Representatives

Rapporteur: Mr. Marek Rohr-Garztecki

Introduction

1. By its decision 27/2, on the implementation of paragraph 88 of the outcome document of the United Nations Conference on Sustainable Development, the Governing Council of the United Nations Environment Programme, among other things, reaffirmed its commitment to strengthening the role of the Environment Programme as the leading global environmental authority. To that end, by the same decision, the Governing Council decided to convene an open-ended meeting of the Committee of Permanent Representatives, while ensuring support to developing country representatives; to enable the participation of capital-based representatives as well as stakeholders for a period of five days to contribute to the preparation of the agenda of its governing body, the United Nations Environment Assembly; and to provide advice to the Assembly on policy matters. The United Nations Environment Assembly by its resolution 2/22 decided that, on exceptional basis, the third meeting of the open-ended Committee of Permanent Representatives would consist of a three-day meeting and would be convened back-to-back with the third session of the Environment Assembly in order to minimize financial costs.

2. Accordingly, the third meeting of the Open-ended Committee of Permanent Representatives was convened at the headquarters of the United Nations Environment Programme, Nairobi, from 29 November to 1 December 2017.

I. Opening of the meeting and adoption of the agenda

A. Opening of the meeting

3. The meeting was opened at 10.10 a.m. on Wednesday, 29 November 2017, by Mr. Raza Bashir Tarar, High Commissioner and Permanent Representative of Pakistan, and Vice-Chair of the Committee of Permanent Representatives, on behalf of the Chair of the Committee, Mr. John Moreti, High Commissioner and Permanent Representative of Botswana.

4. The meeting was attended by 500 participants from 114 countries and 5 observer missions, 28 representatives of countries without representation in Nairobi, and 250 participants from major groups and stakeholders.

5. The Chair, in his opening remarks, welcomed the participants to the meeting, pointing out that every effort would be made to finalize the proposed draft resolutions and decisions and draft ministerial declaration to be submitted to the United Nations Environment Assembly for consideration

and possible adoption at its third session the following week. The meeting, he said, would also be an opportunity for member States to be updated on, among other things, administrative and budgetary matters, progress on the sixth iteration of the *Global Environment Outlook (GEO)* and the implementation of the resolutions adopted at the second session of the Environment Assembly. In view of the ambitious agenda, he invited the Committee to work efficiently and make effective use of the limited time available.

6. In his opening remarks, Mr. Erik Solheim, Executive Director of the Environment Programme, noted that 2017 had witnessed a number of devastating natural disasters across the Caribbean and southern United States of America, South-East Asia and the Middle East, among others. It had also been marked by significant steps to address these and other challenges through, inter alia, the entry into force of the Minamata Convention on Mercury; the ratification of the Kigali Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer by enough parties for it to enter into force on 1 January 2019; the decision by Nicaragua and the Syrian Arab Republic to sign the Paris Agreement on climate change and the commitment of many subnational and private sector entities in the United States to continue to abide by the Agreement, in spite of the Government's decision to withdraw from it; the launch of a global alliance against coal by Canada and the United Kingdom of Great Britain and Northern Ireland; and the vision of an "ecological civilization" set out by the President of China.

7. With regard to the 2030 Agenda for Sustainable Development, he noted that it aimed to achieve two overarching objectives – to protect the health of people and that of the planet – and that addressing pollution was key to ensuring both. Tackling pollution, he said, could engage people and drive home the message on the need to address climate change and other environmental concerns, thereby bringing those concerns from the sidelines to the forefront of public consciousness; it was also a means of job creation, with more people now working in the renewable energies than the fossil fuels sector in China and the United States of America alike. Therefore, the overarching theme of the third session of the United Nations Environment Assembly – "Towards a pollution-free planet" was highly relevant and timely. Discussions at that session should focus on three elements: scientists and citizens calling for action to protect human health; political leadership; and businesses developing the alternative technologies to enable the phase-out of harmful substances.

8. On the role of political leadership, he said that the Assembly should discuss the government policies needed to phase out the unnecessary use of single-use plastics, for instance, as already enacted in countries such as Kenya and Rwanda and currently under consideration in Europe, or to tackle air pollution in big cities, the key question being how to decouple pollution from economic growth. While some still doubted whether that was possible, it was actually happening across the globe. Norway, for example, had more than doubled its GDP since the 1990s while also drastically reducing the use of the majority of pollutants and, at the same time, providing significant opportunities for job creation and the sale of technologies to other countries.

9. Meanwhile, one of his priorities as Executive Director of the Environment Programme was to foster a new way of working with businesses. There might be some bad apples, he said, but many were leading a crucial technology revolution, such as the solar energy and wind power industries now competing with the coal industry in many parts of the world; the car manufacturers moving into the electric mobility sector; and the news corporations raising awareness on, among other things, the issue of plastic wastes. The speed of the change could be determined by government regulations. It was important also to persuade some civil society groups that not all businesses were bad.

10. Lastly, in order to bring citizens into the equation and to foster discussion of environmental issues in the family home, messages had to be delivered in a simple language, including by, among other things, avoiding the use of acronyms. In addition, environmental defenders had to be protected from harassment and physical harm by encouraging local authorities to bring the perpetrators to justice.

11. If Governments worked together they could mobilize citizens and market forces and there were no limits to the issues that could be resolved. In addition to identifying the challenges, discussions at the third session of the Environment Assembly should focus mainly on solutions.

B. Statements by regional groups

12. Representatives of regional groups of member States then delivered statements on the objectives of the current meeting.

13. The representative of Colombia, speaking on behalf of Latin American and Caribbean States, expressed appreciation for the comments of the Executive Director and support for the choice of pollution as the overarching theme of the third session of the United Nations Environment Assembly.

Also expressing appreciation to the Environment Programme for the financial resources provided to enable representatives to attend, she said that the maximum participation of smaller delegations in the discussions should be ensured by having no more than two sessions taking place in parallel. The dialogue and decision-making over the coming days would be crucial to enabling all States to benefit from balanced sustainable development and, to that end, the draft resolutions being finalized for the Environment Assembly, in order to ensure the implementation of the 2030 Agenda, especially in regard to poverty eradication, must take into account the circumstances and priorities specific to each State, with differing visions, models and instruments, while promoting the three dimensions of sustainable development and respecting a country's sovereignty over its own natural resources. Concerned about the insufficient time for finalizing such a large number of draft resolutions at the current meeting, however, she called for the content of those covering similar areas to be merged. As for the draft ministerial declaration, she expressed appreciation for the inputs provided and pledged the commitment of Latin American and Caribbean States to working to ensure that every delegation's views were reflected.

14. The representative of Malawi, speaking on behalf of African States, expressed appreciation for the work undertaken in the intersessional period in preparing the draft resolutions and decisions and the draft ministerial declaration to be considered at the current meeting, and she pledged the full support of African States in the significant amount of work that remained to be done to finalize those documents for submission to the United Nations Environment Assembly. In the interest of informed decision-making and to avoid duplication of effort, she suggested that attention should be paid to the outcome documents of other intergovernmental environmental meetings covering issues such as oceans, desertification, climate change and the sound management of chemicals and wastes. As to the overarching theme of the Environment Assembly, she said that pollution posed a significant threat to human and environmental health and, hence, to the successful implementation of not only the 2030 Agenda but also Agenda 2063 of the African Union. Poverty eradication in particular was the greatest global challenge and crucial to sustainable development, and solutions that did not effectively address the issue would fail to promote the changes required by the people of Africa. Regarding the draft resolutions proposed by African States, she called for a focus on ensuring the effective means of implementation, including capacity-building at all levels and financial and technical assistance. Efforts to promote South-South and triangular cooperation, including through the establishment of a China-Africa environment cooperation centre would be key to addressing the challenges, and the adoption of a concise ministerial declaration would enable ministers to positively influence the global environment agenda. Reiterating concern that the selective implementation of previous resolutions and decisions adopted by the governing body of the Environment Programme had been skewed against African interests, she urged the Executive Director to facilitate more balanced implementation and reporting by the Environment Programme and pledged the continued support of African States to the Executive Director in the fulfilment of his mandate and to the work of the Committee of Permanent Representatives in strengthening the regional presence of the Environment Programme and the consolidation of its headquarters functions in Africa.

15. The representative of Estonia, speaking on behalf of the European Union and its member States, as well as Bosnia and Herzegovina, Montenegro, Serbia and Ukraine, expressed appreciation to the Executive Director, the secretariat and the bureaux of the Committee of Permanent Representatives and the Environment Assembly for their hard work in preparing the current meeting, and for the transparent and inclusive consultations led by the President of the Environment Assembly on the draft ministerial declaration. The member States taking part in the negotiations over the coming days should work together to achieve the common aim of ensuring that the draft declaration and other documents to be submitted for adoption at the third session of the Environment Assembly sent a strong signal to the wider public that they were committed to addressing pollution in all its dimensions. Their common aim under the overarching theme of the session, "Towards a pollution-free planet", was to generate ambitious, effective and collective action to achieve that goal. By making the most constructive use of the current meeting, member States would ensure that the Environment Assembly had the inputs it needed to reverse the trends in terms of the many persistent and, in some cases, growing pollution challenges. Pollution affected water and food security, economic development, social justice and human health and concerted action to address the strong interlinkages between environment and health, on which the European Union had proposed a draft resolution, was crucial to tackling the issue and, hence, to implementing the 2030 Agenda. The European Union and its member States were committed to collaborating in a positive spirit to build on the progress achieved to date and to foster meaningful consensus.

C. Discussion

16. In the ensuing discussion, one representative expressed concern about the failure to reach agreement on certain draft resolutions as a result of reluctance to negotiate in the intersessional period, which had prevented representatives at the current meeting from being able to focus solely on outstanding issues and substantive matters to do with the third session of the Environment Assembly. In addition, he requested that the documents agreed upon at the current meeting be translated and made available in the six official languages of the United Nations to allow representatives to send them for approval to their capitals before they were submitted to the Environment Assembly for possible adoption. Another representative said that the draft ministerial declaration must reflect the differing needs, capacities and levels of development of individual member States and, hence, take into account their common but differentiated responsibilities, adding that the finalized draft should be concise and action-oriented. Recalling that the Environment Programme was an intergovernmental United Nations entity and therefore subject to the guidance of its member States, he also objected to the move by the secretariat to replace the acronym "UNEP" with the abbreviation "UN Environment" until such time as member States had been able to adequately discuss and decide on the matter. A third representative said that a reduction in the number of draft resolutions and any effort to resolve all outstanding contentious issues would be welcome, and she pledged to work with colleagues towards the adoption of a negotiated ministerial declaration. Another representative, stressing that collective action was crucial to, among other things, tackling the pollution caused by armed conflict, which had had a devastating impact on socioeconomic development in his and other regions, also expressed support for the adoption of a ministerial declaration.

17. One representative of a major group said that civil society should not be compared with organizations supporting terrorist organizations. The effects of some forms of pollution, she said, would last long into the future and the United Nations Environment Assembly should remain focused on the switch from damaging production systems to sustainable consumption and production. A pollution-free planet, she added, also depended on trust and lasting peace and the courage of Governments to hold corporate interests to account.

D. Adoption of the agenda

18. The agenda was adopted on the basis of the provisional agenda (UNEP/OECPR.3/1).

II. Adoption of the minutes of the 140th meeting of the Committee of Permanent Representatives, held on 31 October 2017

19. At the third session of the meeting, on the evening of Friday, 1 December 2017, the Committee adopted the minutes of its 140th meeting on the basis of the draft minutes (UNEP/OECPR.3/2).

III. Organization of work of the third meeting of the Open-ended Committee of Permanent Representatives

20. The Committee agreed to establish five contact groups to finalize the 16 draft resolutions and 4 draft decisions to be submitted to the United Nations Environment Assembly for consideration and possible adoption at its third session.

21. The first contact group, chaired by the Chair of the Committee, Mr. John Moreti (Botswana), would work on the draft decisions on the provisional agenda, date and venue of the fourth session of the United Nations Environment Assembly (UNEP/EA.3/L.16); the extension of the delivery date for the sixth edition of the Global Environment Outlook (UNEP/EA.3/L.2); the management of trust funds and earmarked contributions (UNEP/EA.3/L.18); and improving communication on the environment (UNEP/EA.3/L.22). That group would also consider the draft resolution on contributions of the United Nations Environment Assembly to the high-level political forum on sustainable development (UNEP/EA.3/L.7).

22. The second contact group, chaired by Mr. Tarar, would consider six draft resolutions: on marine litter and microplastics (UNEP/EA.3/L.20); pollution mitigation by mainstreaming biodiversity into key sectors (UNEP/EA.3/L.6); enhancing the work of the United Nations Environment Programme to promote the development and strengthening of water quality monitoring programmes and to encourage data sharing (UNEP/EA.3/L.10); clean water for all, leaving no one behind (UNEP/EA.3/L.9); accelerating efforts to address water pollution and to protect and restore

water-related ecosystems (UNEP/EA.3/L.15); and addressing water pollution to protect and restore water-related ecosystems (UNEP/EA.3/L.27).

23. The third contact group, chaired by Ms. Elizabeth Taylor (Colombia), would consider five draft resolutions: on environment and health (UNEP/EA.3/L.8); strengthening health and environmental action in Asia and the Pacific and supporting the initiatives of the Asia-Pacific regional forum on health and environment (UNEP/EA.3/L.11); eliminating exposure to lead paint (UNEP/EA.3/L.4); promoting environmentally sound management of used lead acid batteries (UNEP/EA.3/L.2); and calling for the synchronization of objectives and activities, especially the meetings of the governing bodies, of the multilateral environmental agreements and protocols thereto, for the efficient implementation of the 2030 Agenda for Sustainable Development and monitoring thereof, for cost reduction and for the effective participation of States Members of the United Nations (UNEP/EA.3/L.21).

24. The fourth contact group, chaired by Ms. Tarja Fernandez (Finland), would consider two draft resolutions: on pollution prevention and control in areas affected by terrorist operations and armed conflicts (UNEP/EA.3/L.5), and preventing and reducing air pollution to improve air quality globally (UNEP/EA.3/L.23).

25. The fifth contact group, chaired by Mr. Marek Rohr-Garztecki (Poland), would consider two draft resolutions: on investing in innovative environmental solutions for accelerating implementation of the Sustainable Development Goals (UNEP/EA.3/L.13), and managing soil pollution to achieve sustainable development (UNEP/EA.3/L.14).

26. The Chair noted that in view of the large number of draft resolutions under consideration at the current meeting, the proponents could at any time during the meeting request that their proposed draft resolutions be withdrawn or merged with any of the others.

IV. Preparation of draft resolutions for transmission to the third session of United Nations Environment Assembly

27. The Chair drew attention to the content of the Chair's report on the intersessional work of the Committee of Permanent Representatives in preparing the 16 draft resolutions and 4 draft decisions to be submitted to the United Nations Environment Assembly for consideration at its third session (UNEP/OECPR/3/4).

28. The Committee took note of the report.

29. At the 3rd session of the meeting, on the evening of Friday, 1 December 2017, the Chair reported on the status of the draft resolutions and draft decisions following discussion in the contact groups.

30. The Committee agreed to forward to the United Nations Environment Assembly at its third session, for its consideration, the following draft resolutions, as amended during the discussion in the contact groups, on contributions of the United Nations Environment Assembly to the high-level political forum on sustainable development (UNEP/EA.3/L.7); investing in innovative environmental solutions for accelerating the implementation of the Sustainable Development Goals (UNEP/EA.3/L.13); managing soil pollution to achieve sustainable development (UNEP/EA.3/L.14); preventing and reducing air pollution to improve air quality globally (UNEP/EA.3/L.23); and eliminating exposure to lead paint and promoting environmentally sound management of used lead acid batteries (UNEP/EA.3/L.24).

31. The Committee also agreed to forward to the United Nations Environment Assembly at its third session, for its consideration, a draft decision on the provisional agenda, date and venue of the fourth session of the United Nations Environment Assembly (UNEP/EA.3/L.16), as amended.

32. The Committee further agreed to forward to the United Nations Environment Assembly, for its consideration, the following draft resolutions on: pollution prevention and control in areas affected by terrorist operations and armed conflicts (UNEP/EA.3/L.5); pollution mitigation by mainstreaming biodiversity into key sectors (UNEP/EA.3/L.6); environment and health (UNEP/EA.3/L.8); marine litter and microplastics (UNEP/EA.3/L.20); and addressing water pollution to protect and restore water-related ecosystems (UNEP/EA.3/L.27).

33. During the course of the meeting, the following draft resolutions had been withdrawn, having in some cases been merged with other resolutions, on: promoting environmentally sound management of used lead acid batteries (UNEP/EA.3/L.2); eliminating exposure to lead paint (UNEP/EA.3/L.4); clean water for all, leaving no one behind (UNEP/EA.3/L.9); enhancing the work of the

United Nations Environment Programme to promote the development and strengthening of water quality monitoring programmes and to encourage data sharing (UNEP/EA.3/L.10); calling for the synchronization of objectives and activities, especially the meetings of the governing bodies, of the multilateral environmental agreements and protocols thereto, for the efficient implementation of the 2030 Agenda for Sustainable Development and monitoring thereof, for cost reduction and for the effective participation of States Members of the United Nations (UNEP/EA.3/L.21); and improving communication on the environment (UNEP/EA.3/L.22).

34. The Chair said that informal consultations would be held over the ensuing two days, prior to the opening of the third session of the Environment Assembly, on the draft resolutions on: pollution mitigation by mainstreaming biodiversity into key sectors (UNEP/EA.3/L.6); marine litter and microplastics (UNEP/EA.3/L.20); and addressing water pollution to protect and restore water-related ecosystems (UNEP/EA.3/L.27).

35. Subsequently, the representative of Ukraine indicated his country's intention to join the European Union and its member States and the Philippines as a co-sponsor of the draft resolution on environment and health.

V. Administrative and budgetary matters

36. The Committee took up the item at the 1st session of the meeting, on the morning of Wednesday, 29 November 2017. Introducing the item, the Chair drew attention to a draft decision entitled "Management of trust funds and earmarked contributions", which he said had been revised by the secretariat in the light of comments from member States and, as agreed under agenda item 3, would be further discussed in a contact group to be chaired by Mr. John Moreti.

37. The Deputy Executive Director of the Environment Programme, Mr. Ibrahim Thiaw, explained that the draft decision was intended to ensure that the Environment Assembly approved the establishment of two new trust funds under the Green Climate Fund and three new trust funds for the Minamata Convention on Mercury and authorized the Executive Director to close inactive trust funds and reassign the balances of such trust funds to relevant programmes and activities in consultation with the relevant donors and parties.

38. One representative, speaking on behalf of a group of countries, commended the secretariat for presenting and substantially improving the draft decision, which he said was important for the continuity of the trust funds that supported the implementation of the programmes of work of the Environment Programme and multilateral environmental agreements. He welcomed the proposed steps to reduce the administrative burden of managing multiple trust funds by closing inactive trust funds and by relocating inactive fund balances, as requested in previous decisions of the governing body of the Environment Programme, and suggested that dealing with inactive funds, where appropriate and in consultation with the relevant donors and parties, was of particular relevance at the current time, given the reduction in core budget contributions to the Environment Fund. In closing, he suggested that the language of the draft decision should be further strengthened to ensure that meaningful action was taken to improve oversight of all trust funds and the closure of inactive trust funds in agreement with the relevant parties and donors.

39. At the 3rd session of the meeting, on the evening of Friday, 1 December 2017, the Committee agreed to submit the draft decision, as amended by the contact group, to the United Nations Environment Assembly for its consideration.

VI. Update on the sixth Global Environment Outlook

40. The Committee took up the item at the 1st session of the meeting, on the morning of Wednesday, 29 November 2017. Introducing the item, the Deputy Executive Director drew attention to a draft decision entitled "Extension of the delivery date for the sixth Global Environment Outlook", which he said sought to align the date of release of the sixth iteration of the *Global Environment Outlook* report (*GEO-6*) with the date of the fourth session of the Environment Assembly in 2019, bearing in mind that the original date of release of the report had been set for 2018 on the assumption that the third session of the Environment Assembly would be held in 2018.

41. The Deputy Executive Director also drew attention to the report of the Executive Director entitled "Progress in the preparation of the sixth Global Environment Outlook" (UNEP/EA.3/21), stressing that the report was the flagship product of the Environment Programme and that the drafting process was in full swing, but significant work remained to be done, especially in the area of resource mobilization. He said that the sixth edition of the report would incorporate a number of new features, including a greater emphasis on emerging issues and target-seeking scenarios, policy effectiveness and

impacts, and that despite financial constraints the secretariat expected to be able to deliver the report, including the summary for policymakers, to the Environment Assembly and to the high-level political forum on sustainable development in 2019.

42. In the ensuing discussion, representatives expressed appreciation to the secretariat for the progress report and the draft decision and said that it was essential that the *GEO* report, as the flagship publication of the Environment Programme, be of the highest quality.

43. With regard to the draft decision, one representative expressed support for deferring to 2019 the publication of *GEO-6*. He suggested that, while it was appropriate to request the Executive Director to submit the report to member States three months, and no later than six weeks, before the fourth session of the Environment Assembly, a different deadline should apply to the summary for policymakers, which was considerably shorter and could be released closer to the date of the fourth session. Another representative said that it was essential to ensure that member States had sufficient time to review both the report and the summary prior to the session in order to ensure that they were of high quality.

44. As for *GEO-6*, one representative requested the secretariat to ensure that it was meticulously referenced in order to enable member States to identify the specific sources of all the recommendations it contained, and that such recommendations were policy-relevant but not policy-prescriptive. Stressing that an analysis of the effectiveness of past policy decisions would be one of the report's most valuable components, he said that there was a need to redouble efforts to collect and report on environmental data, and expressed the hope that the resolutions adopted by the Environment Assembly at its third session would require Governments to collect and report on such data thereby making it possible for the Environment Programme to assess the extent of progress made towards achieving a pollution-free planet.

One representative, speaking on behalf of a group of countries, expressed concern about the funding situation of the *GEO-6* process, stressing that keeping the environment under review was part of the core mandate of the Environment Programme and that the production of the *GEO* reports, which also helped the Environment Programme to deliver on the science-policy interface, should be financed through the Environment Fund. He requested the Executive Director to prepare, at his earliest convenience, a written report on the financial situation of the process, including details on core budget funds allocated for the finalization of *GEO-6*.

45. Responding to comments, the Deputy Executive Director thanked all the representatives for their remarks and guidance, noting that the Environment Programme would do its utmost to submit *GEO-6* to member States prior to the fourth session of the Assembly in 2019.

46. With regard to the funding situation of the *GEO-6* process, he said that a written report providing details on the core budget and extrabudgetary allocations to the process would be produced and shared with member States, stressing that the main challenge facing the secretariat was that while member States continued to expand the mandate of the Environment Programme, their core contributions to the Environment Fund continued to fall. The secretariat would endeavour to increase Environment Fund allocations to the *GEO-6* process, but such allocations would not be sufficient to address the existing financial shortfall and member States in a position to do so were therefore encouraged to contribute extrabudgetary resources to facilitate the timely delivery of *GEO-6*.

47. At the 3rd session of the meeting, on the evening of Friday, 1 December 2017, the Committee agreed to submit the draft decision, as amended by the contact group, to the United Nations Environment Assembly for its consideration.

VII. Report on consultations on the ministerial declaration

48. The President of the United Nations Environment Assembly, Mr. Edgar Gutiérrez Espeleta, Minister of Environment and Energy of Costa Rica, provided an update on the status of consultations on the draft ministerial declaration, which was proposed as the main outcome of the third session of the United Nations Environment Assembly. He said that the revised draft of 2 November 2017 was the product of an inclusive, participatory and transparent process. With the support of the members of the Bureau of the Environment Assembly, the Committee of Permanent Representatives and the UNEP secretariat, consultations had been held with member States, the major groups and stakeholders, and regional ministerial forums of the environment in order to reach consensus on a ministerial declaration that responded to the major global threat of pollution. The aim had been to develop content that was readable and comprehensible yet strong enough to prompt immediate action to combat pollution, and that was also interlinked with the resolutions of the Environment Assembly and the Sustainable Development Goals. He outlined the process by which the draft had evolved, and said that the intention was to undertake further consultations through open-ended negotiations at the present

meeting in order to finalize the draft for the consideration of the Environment Assembly at its third session. Lastly, he said that the ministerial declaration offered an opportunity to demonstrate political commitment towards achieving a pollution-free planet.

49. One representative, speaking on behalf of a group of countries, expressed appreciation for the work of the President of the Environment Assembly in building consensus on the urgent matter of combating pollution. He stressed the importance of the 2030 Agenda for Sustainable Development as the framework for any global long-term planning, and noted the linkage between pollution and other major global environmental issues, such as climate change, biodiversity and desertification. It was important to promote the science–policy interface in decision-making and to engage in multilateral cooperation to address pollution effectively. To conclude, he said that consensus among States Members of the United Nations on pollution issues would provide a strong mandate for further action on the matter by the Environment Programme.

50. The Committee agreed to hold open-ended negotiations, on the basis described by the President of the Environment Assembly, in order to finalize the draft declaration for consideration and possible endorsement by the Environment Assembly.

51. At the 3rd session of the meeting, on the evening of Friday, 1 December 2017, the President of the Environment Assembly provided a further update on the status of the draft ministerial declaration. He said that a transparent, inclusive and open approach had been adopted in discussions on the draft declaration in order to find common ground in the development of a declaration that was concise and action-oriented and conveyed clearly how Governments intended to combat pollution.

52. The Committee endorsed the draft ministerial declaration, as amended, and agreed to forward it to the United Nations Environment Assembly at its third session for its consideration.

53. Subsequently, many representatives, including some speaking on behalf of regional groups and groups of countries, expressed their support for the draft declaration. Many also highlighted their appreciation for the negotiation process, the balance achieved in the final version of the draft declaration and the strong, clear message that it delivered.

54. A representative of the women's major group also made a statement in which she cautioned that without systemic change, the Environment Assembly would not achieve its aim of a pollution-free planet nor would the goals of the 2030 Agenda be achieved. Pollution was caused by a system that enabled large corporations to make billions in profits while causing irreversible damage to the global community and environment. She called for a move away from neoliberalism, which profited a few at the cost of the lives of millions, towards "developmental justice" - a just and inclusive form of development that did not hurt people or the environment.

VIII. Budget and programme performance, including implementation of the Assembly's resolutions

55. The Committee took up the item at the 1st session of the meeting, on the morning of Wednesday, 29 November 2017. Introducing the item, the Deputy Executive Director provided an overview of programme performance from January 2016 to June 2017; a brief analysis of the implementation of the 25 resolutions adopted by the Environment Assembly at its second session under the theme "Delivering on the environmental dimension of the 2030 Agenda"; and a brief summary of the 19 progress reports on the implementation of resolutions submitted by the Executive Director for consideration by the Environment Assembly at its third session, including some of the specific recommendations contained in such progress reports.

56. With regard to programme performance for the 2016–2017 biennium, 53 per cent of the indicator targets set for December 2017 in the programme of work for 2016–2017 had reached or exceeded the mark of 75 per cent, set on the basis that the Environment Programme was three quarters of the way into the biennium, while 70 per cent of the "expected accomplishments" had attained the 75 per cent mark. The 75 per cent mark had not yet been reached for some indicator targets, partly because the results of Global Environment Facility (GEF)-funded projects had not yet been reported, given that the GEF reporting timelines were different to those of the Environment Programme.

57. The income received as of June 2017 exceeded by $10 million the targeted budget of $678 million, which demonstrated that the Environment Programme had been successful in mobilizing higher than envisaged earmarked resources from extrabudgetary sources. Much less income had been received in the Environment Fund than anticipated, however, and the imbalance between earmarked and unearmarked contributions presented challenges for the Environment Programme, as it reduced the ability of senior management to respond to emerging issues or urgent matters, or to develop new

policies. Total expenditures from January 2016 to June 2017 had been $737 million. He said that expenditures were in line with planned expenditures for the biennium and only appeared to be higher than income since resources received in years prior to 2016 were meant to be spent in the current biennium.

58. As for the implementation of the 25 resolutions adopted by the Environment Assembly at its second session, he said that the secretariat had developed and begun executing plans to implement all the resolutions under its seven subprogrammes or thematic priorities. Stressing that milestones had been achieved in the implementation of several resolutions, he highlighted specific examples of such milestones in the areas of marine plastic litter and microplastics, illegal trade in wildlife and wildlife products, and the Paris Agreement on climate change.

59. Despite these milestones, progress in the implementation of the resolutions had been uneven, partly because the resolutions had been adopted after the budget and programme of work for 2016–2017 had been approved; action by outside stakeholders was needed to fully implement some resolutions; and it was easier to obtain extrabudgetary resources for certain topics. For instance, resources to implement resolutions 2/3 on investing in human capacity for sustainable development through environmental education and training, 2/8 on sustainable consumption and production, 2/9 on the prevention, reduction and reuse of food waste, and 2/13 on sustainable management of natural capital for sustainable development and poverty eradication, had been very limited, and additional core and extrabudgetary resources would be required for their implementation. In order to address that issue going forward, he suggested that the Environment Assembly should consider ways in which it could align the adoption of its resolutions with the programme and budget cycles of the Environment Programme, and ensure that all resolutions to be adopted at its third session would benefit from adequate funding prior to its fourth session, given that the programme of work and budget for 2018–2019 had already been approved.

60. As for the 19 progress reports submitted by the Executive Director, he highlighted a number of recommendations for the Environment Assembly contained in the reports, including that it request the Executive Director to produce, starting in 2019, regular "sustainability gap reports" to assess progress achieved in the implementation of the Sustainable Development Goals and targets from a sustainability perspective; request the secretariat to produce regular policy or issue briefs on the nexus between the environmental, social and economic pillars of the Sustainable Development Goals and targets; develop a new global architecture to address marine plastic litter and microplastics, with a multi-layered governance approach; and actively engage in the sound management of plastic on land and in waterways.

61. In the following discussion, representatives expressed appreciation to the Executive Director for his progress reports and to the Deputy Executive Director for his oral briefing.

62. Regarding the overview of programme performance for the 2016–2017 biennium, one representative expressed concern that core contributions to the Environment Fund had been only two-thirds of the amount anticipated, which he said was an indication that the budget approved by the Environment Assembly at its second session had not been sufficiently realistic. This issue needed to be considered in the preparation of the budget for 2020–2021, which the Environment Assembly would consider at its fourth session. He also strongly encouraged member States to contribute to the Environment Fund in accordance with the voluntary indicative scale of contributions, which his country had long supported, and suggested that, given the budget constraints it faced, the Environment Programme should adhere to its core mandates and play its strengths, in particular in the areas of evidence-based analyses of the state of the environment, overarching policy guidance, and defining responses to emerging environmental challenges. He further proposed that a detailed analysis of the financial situation of the Environment Fund, including any adjustments needed to the budget, be presented to the Committee of Permanent Representatives for consideration.

63. Another representative suggested that the secretariat produce a detailed report on all the activities and programmes implemented by the Environment Programme in 2016, including details on all the countries to which it had provided support, providing specific amounts allocated to each country. Such a report, she said, would enable representatives to request increased contributions to the Environment Programme from their capitals.

64. Many representatives expressed appreciation to the Environment Programme for efforts undertaken to implement the resolutions of the Environment Assembly.

65. With regard to resolution 2/5, on delivering on the 2030 Agenda for Sustainable Development, one representative, speaking on behalf of a group of countries, requested the secretariat to provide an analysis of the successes achieved by the Environment Programme in influencing the outcomes and

reports of the high-level political forum on sustainable development, and to make recommendations on ways in which the Environment Programme's involvement in the work of the Forum might be strengthened to ensure that the key role of the environment in sustainable development was fully recognized. He also expressed concern that several sections of resolution 2/5 had not been covered in the progress report of the Executive Director (UNEP/EA.3/5) and requested the secretariat to provide an update on those sections, including information on support provided to scientific panels and on efforts to increase the policy relevance of scientific assessments by increasing their visibility. He further requested information on the contribution of the Environment Programme to the Secretary-General's agenda for reforming the United Nations, and in particular the United Nations development system.

66. On resolution 2/6, on supporting the Paris Agreement, the representative of the European Union called for the participation of a broader range of contributors to the Agreement, stressing that the European Union was the largest provider of public climate finance.

67. With regard to resolution 2/7, on the sound management of chemicals and waste, one representative, speaking on behalf of a group of countries, called on the United Nations Environment Programme and all relevant stakeholders to enhance efforts to achieve the 2020 goal set out in target 12.4 of the Sustainable Development Goals and to undertake effective international efforts for the sustainable management of chemicals and wastes beyond the year 2020 under the aegis of the Strategic Approach to International Chemicals Management. He also requested more information on the status of the latest Global Waste Management Outlook report, including how it related to the Global Chemicals Outlook report, and said that the sound management of chemicals and waste should be reflected in the ministerial declaration and other relevant outcomes of the third session of the Environment Assembly.

68. Another representative expressed the hope that the Environment Programme would play a leading role in establishing a post-2020 framework for the sound management of chemicals and waste, which, he said, was of crucial importance to developing countries, and suggested that the International Environmental Technology Centre had an important role to play in that area.

69. With regard resolution 2/8, on sustainable consumption and production, one representative, speaking on behalf of a group of countries, urged the Environment Programme to make its actions and projects in that area more synergistic. Expressing concern that there were inadequate resources for the implementation of Sustainable Development Goal 12 and the 10-year Framework of Programmes on Sustainable Consumption and Production Patterns (10YFP), he urged countries and others in position to do so to become more involved in the 10YFP, emphasizing that the very large private sector resources could be tapped into for that purpose.

70. With regard to resolution 2/17, on enhancing the work of the United Nations Environment Programme in facilitating cooperation, collaboration and synergies among biodiversity-related conventions, one representative, speaking on behalf of a group of countries, expressed support for focusing on the priorities of capacity-building, monitoring and reporting set out in the Executive Director's progress report on the resolution (UNEP/EA.3/17), which he said would reduce member States' workloads and enable the enhanced implementation of the Strategic Plan for Biodiversity 2011–2020 and its Aichi Biodiversity Targets.

71. As for resolution 2/18, on the relationship between the United Nations Environment Programme and the multilateral environmental agreements for which it provides the secretariats, one representative, speaking on behalf of a group of countries, welcomed efforts to strengthen the mutual supportiveness of the programmes of work of the Environment Programme and multilateral environmental agreements in future years, as well as the simplification of delegations of authority for the heads of the secretariats of such agreements. He cautioned against further deferring the production of a flexible template to govern the provision of secretariat services, which had been deferred to March 2018. He expressed regret that the commitment of the Environment Programme to waiving programme support costs for contributions aimed at supporting the participation of developing countries in meetings of the parties to multilateral environmental agreements, as requested in resolution 2/18, had been deleted from the report of the Executive Director on the implementation of that resolution (UNEP/EA.3/18/Rev.1) and requested additional information on changes in the allocation of tasks between the management team of multilateral environmental agreements and the expanded leadership group of the Environment Programme.

72. Expressing concern that regular oversight of the implementation of Environment Assembly resolutions was not fully integrated with oversight of the performance review of the programme of work and budget, one representative, speaking on behalf of a group of countries, requested that the reporting of both the resolutions and the programme of work and budget be considered by the

Committee of Permanent Representatives in the form of a standing item in the agendas of future regular meetings of the Committee.

73. With regard to resolution 2/11, on marine plastic litter and microplastics, one representative expressed appreciation for progress achieved in its implementation, welcoming in particular the conduct of an assessment of the effectiveness of relevant international, regional and subregional governance strategies and approaches, which together with the recommendations set out in the report on progress in the implementation of resolution 2/11 (UNEP/EA.3/13) had informed the draft resolution on marine litter and microplastics presented by her Government for consideration by the Environment Assembly at its third session.

74. One representative commended progress made pursuant to resolution 2/4, on the role, functions and modalities for United Nations Environment Programme implementation of the SAMOA Pathway as a means of facilitating achievement of the Sustainable Development Goals, including the establishment of subregional offices in the Pacific and Caribbean subregions, which she said would enhance the engagement of the Environment Programme with small island developing States and the environmental authorities of both regions, and work undertaken on data management and environmental indicators. Stressing that environmental data management was a significant challenge facing small island developing States, she said that the Environment Assembly should ensure that the work of the Environment Programme in that area took into account the "Pacific SDG Road Map" under consideration by the Pacific Islands Forum.

75. Lastly, with regard to resolution 2/19, on the midterm review of the fourth Programme for the Development and Periodic Review of Environmental Law (Montevideo Programme IV), one representative asked about the status of preparations of the next phase of the Montevideo Programme, stressing that the Montevideo Programme IV was coming to an end in 2020.

76. Responding to comments, the Deputy Executive Director said that the focus of the relationship between the United Nations Environment Assembly and the high-level political forum had been the possible involvement of the President of the Environment Assembly in the meetings of the Forum. Despite efforts undertaken by the secretariat and Nairobi-based representatives, the possibility of such involvement had not materialized. It was important to emphasize, he said, that the intention of the relationship was to bolster the environmental dimension of sustainable development rather than the Environment Programme itself.

77. The secretariat was concerned that the environmental dimension of sustainable development was not yet fully reflected in the efforts of member States and entities to implement the 2030 Agenda, or in the reports of the high-level political forum presented in 2017. For that reason, it was also being proposed, as his presentation had outlined, that the Environment Assembly request the Executive Director to prepare regular "sustainability gap reports".

78. With regard to the contribution of the Environment Programme to the Secretary-General's reform of the United Nations development system, he said that the Environment Programme was engaged in the reform discussions as a member of the United Nations Secretariat and it was to be hoped that its comments would be reflected in a report on the reform to be released by the Secretary-General in the coming days. The Environment Programme's involvement would continue as the reform process evolved; it was important that the Environment Assembly also contribute to the process.

79. With regard to the financial situation of the United Nations Environment Programme, he offered to hold a meeting with the Committee on such issues, including the core budget, the voluntary indicative scale of contributions and resource mobilization strategies, stressing that the current gap in core funds might be due to a lack of understanding of such issues, including by middle-income countries.

80. In closing, he noted that the issue of chemicals and waste pollution was at the centre of the theme of the third session of the Environment Assembly. The environmentally sound management of waste, including both solid waste and wastewater, was critical to developing countries and regions, and he expressed the hope that the Environment Assembly would mandate the Executive Director to strengthen the work of the Environment Programme in that area, including beyond 2020.

81. At the 2nd session of the meeting, on the afternoon of Wednesday, 29 November 2017, Ms. Elizabeth Mrema, Director, Division of Environmental Law and Conventions of the Environment Programme, provided an update on the process for the review and development of the new Montevideo Programme for the Development and Periodic Review of Environmental Law. Recalling that in its resolution 2/19, the Environment Assembly had invited member States to designate national focal points for exchanging information and building capacities in order to collaborate with and guide

the Environment Programme in strengthening the application of the Montevideo Programme and to monitor and evaluate its implementation, she informed the Committee that 84 focal point nominations had been received to date and she encouraged those member States that had not yet done so to submit their nominations. Two webinar meetings had been held with the nominated national focal points and a face-to-face meeting was planned for March 2018 to begin work on an assessment of the implementation and effectiveness of the fourth Montevideo Programme and the preparation of the fifth Programme, which was to begin in 2020. Both the assessment and the new programme would be presented to the Environment Assembly at its fourth session for its consideration.

82. The co-chairs of the Special Programme to support institutional strengthening at the national level to enhance implementation of the Basel, Rotterdam and Stockholm conventions, the Minamata Convention on Mercury and the Strategic Approach to International Chemicals Management, established pursuant to Environment Assembly resolution 1/5 on chemicals and waste, presented the report of the Executive Board of the Special Programme (UNEP/EA.3/INF/10). One round of applications had been completed, with 54 applications received and seven projects approved, and the second round of applications was under way, with 39 applications received to date. Overall, the Executive Board of the Special Programme considered that the operational arrangements contained in the terms of reference for the Special Programme had facilitated the effective implementation of the Programme and that no adjustments were required.

83. The Committee took note of the report of the Executive Board of the Special Programme (UNEP/EA.3/INF/10).

84. Before closing discussions on the agenda item, the Chair welcomed the request that the reporting of both the resolutions and the programme of work and budget be considered by the Committee of Permanent Representatives in the form of a standing item in the agendas of future regular meetings of the Committee.

IX. Adoption of chair's summary

85. At the 3rd session of the meeting, on the evening of Friday, 1 December 2017, the Chair drew attention to the draft report of the third meeting of the Open-ended Committee of Permanent Representatives (UNEP/CPR/141/2), noting that the full report would be submitted to the Committee of Permanent Representatives at its 141st meeting for its consideration and possible adoption.

X. Other matters

86. At the 3rd session of the meeting, on the evening of Friday, 1 December 2017, the representative of Botswana, speaking on behalf of the African States, reiterated the importance of Nairobi as the location of the headquarters of the Environment Programme and introduced a draft resolution on the consolidation of the headquarter functions of the Environment Programme for consideration by the United Nations Environment Assembly at its third session. She recalled paragraph 88 of the outcome document of the United Nations Conference on Sustainable Development, which called for, among other things, the progressive consolidation of headquarters functions in Nairobi and a strengthened regional presence for the Environment Programme. Despite the adoption of the outcome document in 2012, the Environment Programme had continued to face challenges in operationalizing the paragraph, she said, and it was important to find meaningful ways to do so.

87. One representative, speaking on behalf of a group of countries and supported by other representatives, expressed regret at the introduction of the draft resolution on the last day of the current meeting. He recalled that it had been agreed during the 2017 annual subcommittee meeting that the number of draft resolutions to be considered by the Environment Assembly would be limited and that they would be proposed in a timely manner to ensure the successful finalization of the drafts for submission to the Environment Assembly. The success of the draft resolution was imperilled by its late proposal thereby weakening the work of the Environment Programme. Furthermore, member States had agreed to the theme for the third session of a pollution-free planet and to address the urgent topic of pollution. While the new resolution addressed relevant issues, it did not contribute to the global theme and would thus dilute the focus of the Environment Assembly at its third session. He therefore suggested that its submission be postponed to the fourth session of the Environment Assembly.

88. Another representative, however, supported the proposed draft resolution and said that given its short length and factual content, it should be easy for the Environment Assembly to consider at its third session.

XI. Closure of the meeting

89. Following the customary exchange of courtesies, the meeting was declared closed at 10.50 p.m. on Friday, 1 December 2017.